

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff

Case No. **1:21-cr-01724-MV**

-vs-

GENE DOMINIC ANAYA,

Defendant.

**ORDER GRANTING DEFENDANT'S OPPOSED MOTION TO
REOPEN DETENTION HEARING TO PERMIT INPATIENT TREATMENT**

THIS MATTER is before the Court on defendant Gene Dominic Anaya's Opposed Motion to Reopen Detention Hearing to Permit Inpatient Treatment and Unopposed Request for Emergency Hearing, filed on March 31, 2022. Doc. 27. Mr. Anaya asks the Court to reopen the detention hearing and permit him to be released for treatment at the Four Winds Recovery Center based on additional medical evidence from both the Metropolitan Detention Center (MDC) in Albuquerque, where he was housed before coming into federal custody, and from the Cibola County Correctional Center (CCCC), where he currently is housed. *See id.* The United States opposes Mr. Anaya's release from custody based on the dangerous circumstances related to the offense charged in this case, but it did not oppose the Court holding an emergency hearing on the matter. *See id.* at 5. The Court held a hearing on the motion on April 1, 2022. Doc. 30. For the following reasons, the Court will GRANT Mr. Anaya's motion and release him to the third-party

custody of the Four Winds Recovery Center in Farmington, New Mexico, subject to the conditions of release specified in the attached document.

On March 18, 2021, a criminal complaint was filed against Mr. Anaya charging him with carjacking, in violation of 18 U.S.C. § 2119. Doc. 1. Mr. Anaya was arrested on that charge in late October 2021, and the Court held a detention hearing on November 1, 2021. *See* Docs. 4, 15. The Court detained Mr. Anaya based primarily on the dangerous circumstances surrounding the carjacking, the fact that he had committed the offense shortly after he had been arrested for aggravated assault, and that he had tried to flee from law enforcement officers. *See* Doc. 16 at 3. The Court also found that the weight of the evidence against Mr. Anaya was strong, and that he had a history of substance abuse. *Id.* at 2. But the Court did not object to Mr. Anaya being put on a wait list at Four Winds, and it permitted Mr. Anaya to come back before the Court if he was accepted into the Four Winds program. On November 17, 2021, a federal grand jury returned an indictment against Mr. Anaya charging him with carjacking. Doc. 18.

Mr. Anaya was accepted into a three-month treatment program at Four Winds and is eligible for admission on April 4, 2022. *See* Doc. 27 at 1. He argues that his medical records from MDC and CCCC and his recent acceptance into the Four Winds Recovery Center treatment program constitute new evidence that warrant reopening the detention hearing and releasing him to the Four Winds Recovery Center. At the hearing on the Mr. Anaya's motion, the United States did not argue that the medical records and the acceptance into Four Winds did not constitute new evidence warranting reopening the detention hearing. Instead, the United States argued that the circumstances that led to the charge in this case were so dangerous that it still believed that Mr. Anaya posed a serious risk of danger to the community.

A judicial officer may reopen a detention hearing if she “finds that information exists that was not known to the movant [Mr. Anaya] at the time of the hearing and that has a material bearing on the issue whether there are conditions of release that will reasonably assure the appearance of such person as required and the safety of any other person and the community.” 18 U.S.C. § 3142(f)(2). At the hearing on Mr. Anaya’s motion, Mr. Anaya’s counsel summarized the medical records from MDC and CCCC showing that Mr. Anaya had been diagnosed with several mental health conditions at MDC and had been taking medication for those conditions. He also was attending counseling sessions while in custody. While on his medication, Mr. Anaya had stabilized and received positive evaluations from his treatment providers about his success in dealing with his issues. At CCCC, Mr. Anaya’s treatment providers confirmed the diagnosis he received at MDC. The records at CCCC also generally supported the assessments made at MDC about Mr. Anaya’s progress and his motivation to continue to comply with his medication regime. In addition, Mr. Anaya has exhibited a strong motivation to work on his substance abuse issues. Reviewing the pretrial services report, and given that Mr. Anaya had almost no criminal history before he was charged in March 2021 with both aggravated assault and shortly thereafter with carjacking, Mr. Anaya’s counsel suggested that the alleged assault and carjacking may have resulted from undiagnosed and untreated mental illness, perhaps in conjunction with self-medication.

Based on the evidence proffered at the hearing and the arguments of counsel, the Court finds that Mr. Anaya has presented sufficient evidence to reopen the detention hearing. Further, based on the evidence presented, and for the reasons stated at the hearing and in this order, the Court finds that it can fashion conditions of release that will reasonably assure both the safety of any other person and the community and also Mr. Anaya’s future appearance as required.

Counsel for Mr. Anaya described the program at Four Winds as a “lockdown” program that participants are not free to leave. Four Winds also has a contract with U.S. Probation and Pretrial Services to provide treatment to federal defendants. Pretrial Services does not oppose Mr. Anaya’s release to Four Winds so long as Mr. Anaya is under pretrial supervision, and he continues to comply with all his prescribed mental health medications. Doc. 27 at 5. The Court therefore will release Mr. Anaya to the third-party custody of the Four Winds Recovery Center in Farmington, New Mexico, to complete a three-month inpatient treatment program, as soon as the paperwork necessary for placing Mr. Anaya in the program is completed. The conditions of his release are reflected in the attached document. Upon successful completion of the program, Mr. Anaya may move for modification of his conditions of release based on whatever his current circumstances are at that time.

IT IS THEREFORE ORDERED that defendant Gene Dominic Anaya’s Opposed Motion to Reopen Detention Hearing to Permit Inpatient Treatment and Unopposed Request for Emergency Hearing, (Doc. 26) is GRANTED. Mr. Anaya will be released as soon as the paperwork necessary for him to enter the Four Winds Recovery Center is completed and the Center is ready to accept him. Upon his release, he will be subject to all mandatory conditions of release and the additional conditions of release specified in the attached document.

DATED this 2nd day of April 2022.



Laura Fashing
United States Magistrate Judge